



March 14, 2003

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## ENGROSSED HOUSE BILL No. 1154

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DIGEST OF HB 1154 (Updated March 11, 2003 3:29 PM - DI 106)

**Citations Affected:** IC 10-1; IC 34-30.

**Synopsis:** Reporting sale of methamphetamine precursors. Authorizes the state police, with input from law enforcement agencies, to establish a retailer education program to inform retailers about illicit methamphetamine production. Allows retailers to report suspicious sales of methamphetamine precursors to the any law enforcement agency. Provides civil immunity for a retailer who makes a good faith report of the sale of methamphetamine precursors.

**Effective:** July 1, 2003.

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**Hasler, Ulmer, Thomas, Dvorak**  
(SENATE SPONSOR — CLARK)

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January 7, 2003, read first time and referred to Committee on Judiciary.  
February 6, 2003, amended, reported — Do Pass.  
February 10, 2003, read second time, ordered engrossed. Engrossed.  
February 11, 2003, read third time, passed. Yeas 98, nays 0.

SENATE ACTION

February 24, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.  
March 13, 2003, amended, reported favorably — Do Pass.

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EH 1154—LS 7114/DI 106+



March 14, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1154

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A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 10-1-11 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2003]:

4 **Chapter 11. Retailer Education Program**

5 **Sec. 1. As used in this chapter, "chemical reagents or**  
6 **precursors" has the meaning set forth in IC 35-48-4-14.5.**

7 **Sec. 2. As used in this chapter, "law enforcement agency" means**  
8 **an agency or a department of any level of government whose**  
9 **principal function is the apprehension of criminal offenders.**

10 **Sec. 3. As used in this chapter, "superintendent" refers to the**  
11 **superintendent of the state police department.**

12 **Sec. 4. The superintendent, with input from other law**  
13 **enforcement agencies, may develop and maintain a program to**  
14 **inform retailers about illicit methamphetamine production,**  
15 **distribution, and use in Indiana.**

16 **Sec. 5. The superintendent, with input from other law**  
17 **enforcement agencies, may develop procedures and forms for**

EH 1154—LS 7114/DI 106+



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1     retailers to use to report to any law enforcement agency suspicious  
2     purchases, thefts, or other transactions involving any product  
3     under the retailers' control that contains chemical reagents or  
4     precursors.

5         **Sec. 6.** A retailer is not required to report under this chapter.

6         **Sec. 7.** A retailer who makes a good faith report to any law  
7     enforcement agency under this chapter is immune from civil  
8     liability for making the report. This section does not apply to acts  
9     or omissions amounting to gross negligence or willful or wanton  
10    misconduct.

11         SECTION 2. IC 34-30-2-35.5 IS ADDED TO THE INDIANA  
12    CODE AS A NEW SECTION TO READ AS FOLLOWS  
13    [EFFECTIVE JULY 1, 2003]: **Sec. 35.5. IC 10-1-11-7 (Concerning**  
14    **a retailer who makes a good faith report relating to the sale of a**  
15    **methamphetamine chemical reagent or precursor).**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1154, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 6, after "report." insert "**This section does not apply to acts or omissions amounting to gross negligence or willful or wanton misconduct.**".

and when so amended that said bill do pass.

(Reference is to HB 1154 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 11, nays 0.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Criminal, Civil and Public Policy, to which was referred House Bill No. 1154, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 7, delete ""department" refers to the state" and insert **""law enforcement agency" means an agency or a department of any level of government whose principal function is the apprehension of criminal offenders."**

Page 1, delete line 8.

Page 1, line 10, after "the" insert **"state police"**.

Page 1, line 11, after "superintendent" insert **", with input from other law enforcement agencies,"**.

Page 1, line 14, after "superintendent" insert **", with input from other law enforcement agencies,"**.

Page 1, line 15, delete "the department" and insert **"any law enforcement agency"**.

Page 2, line 2, delete "to the department".

Page 2, line 4, delete "the" and insert **"any law enforcement agency"**.

Page 2, line 5, delete "department".

and when so amended that said bill do pass.

(Reference is to HB 1154 as printed February 7, 2003.)

LONG, Chairperson

Committee Vote: Yeas 9, Nays 0.

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